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PATENT

Attorney Docket No. MTI-31529

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ronald A. Weimer
 Serial No. : 09/935,255
 Filing Date : August 22, 2001
 For : Method of Composite Gate Formation
 Group Art Unit : 2813
 Examiner : CHEN, Jack S. J.
 Confirmation No. : 1208

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CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to
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Date: 3/11/04Patricia Lays Pichler

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

This is in response to the Examiner's Office Action mailed February 13, 2004, in the
 above-identified patent application.

The Examiner indicated that Applicant had not properly identified the claims that read on
 the elected species and requires correction. The elected elements (which were made with
 traverse) are as follows:

- A-5: Specific partial pressure (i.e., 10^{-2} or less)
- B-5: Remote microwave plasma source
- C-1: Polysilicon
- D-1: Oxide
- E-5: SiH₄
- F-1: N₂
- G-1: Gate oxide/doped polysilicon/WN/W/nitride

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Response Restriction Requirement

Applicant hereby submits that the following claims are readable thereon: Claims 1-11, 16-23, 25-26, 28-31, 36-39, 41-49, 51, 53-56, 73-77, 80-95, 97-99, 103-107, 109-110, 112-120.

The Examiner argues that Claims 3, 16, 17, 30, 43, 44, 53, 77 and 112 are not readable on the elected elements. The Examiner assertion is in error.

Each of these claims recite a pressure of about 10^{-2} to about 10^{-7} Torr.¹ The elected element A-5 requires a "specific partial pressure (i.e., 10^{-2} or less)." This element necessarily includes a partial pressure to about 10^{-7} Torr — which is less than 10^{-2} Torr.

The Examiner also argues that Claims 54-56 are not readable on the elected elements. This assertion is also in error.

Each of these claims depend from Claim 53 — which recites a pressure of about 10^{-2} to about 10^{-7} Torr, and falls within element A-5. These claims also recite the element C-1 (polysilicon).

Applicant respectfully requests reconsideration and withdrawal of the requirement for an election of a single element of seven different species.

Applicant further notes that the election of species is solely to facilitate an examination search, and that Applicant will be entitled to consideration of claims to additional species upon allowance of a generic claim. It is understood that if the claims of the elected species are found allowable over the prior art, the Examiner will expand the search to include other elements within each of the "species" groups — i.e., A-1 through A4, B-1 through B-4, C-2, D-2 through D-5, E-1 through E-4 and E-6 (Si_2H_6), F-2 through F-4, and G-2.

Extension of Term.

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked

¹ See, for example, Claim 3: The method of Claim 1, wherein the dielectric layer is exposed to the silicon-containing gas at pressure of about 10^{-2} to about 10^{-7} Torr.

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Response Restriction Requirement

the need for a petition for extension of time. If any extension and/or fee are required, please charge Account No. 23-2053.

Applicant believes that the claims are in condition for allowance, and notification to that effect is respectfully requested. The Examiner is urged to telephone the undersigned Attorney if any questions should arise or further discussion would expedite the examination of the application.

Respectfully submitted,



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Dated: March 11, 2004

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